

COMPLIANCE HISTORY for the
Clean Harbors Aragonite, LLC
facility
(formerly Safety-Kleen (Aragonite), Inc.,
Laidlaw Environmental Services (Aragonite), Inc.,
and Aptus, Inc.)

Clean Harbors-Owner

ACTION: **NOTICE OF VIOLATION and COMPLIANCE ORDER** issued March 3, 2008

ISSUES: Failing to operate the waste management areas in a manner that minimizes the possibility of fires and releases of hazardous waste constituents; failing to investigate and determine the causes of the incidents; and failing to implement corrective measures to prevent future occurrences.

Accepting and managing pyrophoric wastes at the facility.

Failing to clearly document the waste characterization procedure from the Waste Analysis Plan which applies to each waste stream accepted at the facility.

Failing to inspect, sample, and analyze “routine wastes” and failing to determine the incineration chemistry from analyses of the samples.

Failing to ensure that an inventory list accompany each lab pack, and accepting lab packs for storage and/or treatment before any load discrepancies have been adequately resolved.

Failing to ensure the generator supply a picture or a detailed written description of the waste stream for “wastes that inhibits analysis”; failing to inspect the contents of each container or each bulk load for physical appearance; failing to provide a detailed written description to waste acceptance personnel so that they can easily determine if the waste matches the profile; failing to estimate the percentages of each type of material in the waste; failing to use a matrix, that lists the various materials and the corresponding incineration parameters for each of these materials, along with the percentages of each type of material, to develop an overall estimate of the incineration parameters for the waste; and failing to collect and analyze a representative sample of the material in containers that contain more than four ounces of a material that could be analyzed to determine appropriate management and storage of the waste.

Failing to monitor all incoming waste shipments for radioactivity; and failing to conduct daily calibration checks; and failing to take and record three measurements of each sample; and failing to take and record the background reading each sampling day prior to each sample event.

Failing to conduct the ignitability screen and/or failing to heat samples to 140°F when conducting the ignitability screen.

Determining corrosivity for waste management decisions using pH paper, and failing to determine accurate pH measurements of incoming wastes.

Failing to obtain the proper laboratory certification for analyzing wastes at the facility.

Failing to conduct weekly inspections of the LEL and oxygen meters to ensure that the instruments are operable.

Failing to clear the cylinder storage area of vegetation.

Failing to maintain documentation of training; failing to maintain a current organization chart which specifies the names of the people that fill the job titles in the Personnel

Training Plan; and failing to provide Training Program Descriptions which specify the training requirements for a person to be able to fill specific duty areas.

Blocking fire doors so that they could not completely close automatically in a fire emergency.

Failing to clean up spill areas.

Failing to submit a written report to the Executive Secretary within 15 days after fires and discharges in areas where waste management occurs.

Recording negative results in the lab notebook for tests that were not being performed.

Storing wastes in areas prohibited from storage; and failing to maintain the required aisle space.

Failing to maintain the LEL/O₂ monitors/alarms in the decant and repack rooms in Building E4 in good repair.

Holding rejected wastes on site for longer than 30 days; failing to specify the location of all rejected wastes in the computerized waste tracking system; and failing to clearly show that the material is to be rejected and when this determination was made.

Failing to properly mark wastes which have been accepted; moving containers from the receiving and holding areas to the storage or processing areas before the waste has been accepted; storing wastes which have not yet been accepted in areas not designated for such storage; and storing wastes which have not yet been accepted for longer than ten days in Row A of Buildings E2, E3, E6, and E7.

Identifying containers which have not been repacked or consolidated as "REPACK" or "CONS."

Failing to affix a barcode label to each container.

Failing to maintain a database of all required equipment; failing to maintain drawings that show the approximate location of each piece of equipment; and failing to mark all equipment with a tag containing a unique equipment identification number.

Storing liquids with a flash point of less than or equal to 140°F in container management areas other than Buildings E6 and E7.

Storing cyanide or sulfide bearing wastes and oxidizers in container management areas other than the bays in Buildings E-1 and E-5; and storing potentially incompatible wastes together in the container management areas.

Failing to transfer the hazardous waste from a container that is not in good condition or begins to leak, to an acceptable container as soon as possible.

Failing to sample containers under fume exhausters in Building E5.

Failing to mark cylinders that are moved to the cylinder storage area prior to acceptance with the document and item number; and failing to clearly identify the rack as having cylinders that are not yet accepted.

Failing to record the location of each container and to maintain a history of the movement of each container from the time it is placed into the container management areas until it is either incinerated or manifested offsite; failing to update the waste tracking database by no later than the following business day when bulk materials are accepted and unloaded, and within two business days each time a transfer is made; and failing to track all wastes in real time so that their location is known at any time.

Failing to stack containers neatly and in a manner that will not cause them to fall or leak; stacking containers more than one pallet high in the receiving and holding areas of Building E5; and failing to store containers on pallets.

Failing to store infectious waste sharps in leak-proof, rigid, puncture-resistant containers which are taped closed or tightly lidded to preclude loss of contents.

Failing to label containers of infectious waste that are not red or orange with the international biohazard sign and an appropriate biohazard label.

Failing to store infectious waste at or below 40°F when it was on site for longer than seven days.

Failing to incinerate infectious waste within 30 days after collection from the generator.

Failing to ground containers during decant operations.

Failing to provide an interlock to automatically shut off the vacuum pump that decants a container to a direct burn tanker when the LEL of the combined dilution air and vacuum pump vent reaches 60% LEL.

Failing to place drums inside the drum direct burn glove box and seal and vent the glove box prior to opening the drums or feeding to the kiln.

Failing to maintain a vacuum in the drum pumping station glove box; and failing to place tubes supplying nitrogen in the opening of containers of flammable liquid.

Failing to ground containers holding flammable liquids at the drum pumping station prior to and while waste is being fed to the kiln.

Storing wastes with a flash point less than or equal to 140°F in the bulk solids tanks; and failing to measure the Lower Explosive Limit of wastes placed in the bulk solids tanks.

Failing to maintain the level of the blend liquids Tanks T-303 and T-312 below the compliance limit.

Failing to document the cause of the elevated oxygen concentrations in the hydrocarbon vent system; and failing to document the corrective actions taken.

Failing to annually test to demonstrate that the bulk solids building meets the criteria for a permanent total enclosure; and failing to annually measure the required minimum flow during backup operation.

Failing to maintain the flow of combustion air above 12,000 acfm when the vacuum pump/dilution air fan are operating.

Exceeding the maximum permitted feed rates of metals to the incinerator.

Failing to record and preserve the history of containers before they were “untracked” in the waste tracking system.

Accumulating hazardous waste in containers for longer than 90 days; failing to mark each container with the date upon which each period of accumulation began; failing to mark each container with the words “Hazardous Waste;” failing to maintain containers closed except when it is necessary to add or remove waste; and failing to transfer hazardous waste from a container that begins to leak to a container that is in good condition or manage the waste in some other way to remedy the leak.

RESOLUTION: pending

Clean Harbors-Owner

ACTION: **NOTICE OF VIOLATION and COMPLIANCE ORDER** issued December 15, 2006

ISSUES: Failing to unload transport vehicles carrying containers within ten days of being received at the facility

Failing to record the location and movement history of each container placed in the container storage areas, and track these wastes in real time so that their location is known at any time

Failing to record and preserve the history of a container before that container is “untracked” in the waste tracking system

Placing incompatible wastes or materials in the same container

Failing to flush the drum pumping system before pumping waste that was not compatible

with the last waste pumped
 Placing reactive cyanides in tank T-404B
 Improperly labeling and dating containers, having open containers, and accumulating wastes in containers that were leaking
 Holding rejected wastes on site for longer than 30 days, failing to specify the location of all rejected wastes in the waste tracking system, and failing to document when a waste was determined to be rejected
 Failing to place barcode labels on each container
 Failing to attempt to reconcile a manifest discrepancy with the generator and failing to notify the Executive Secretary when the discrepancy was not resolved within 15 days
 Failing to store infectious waste at or below 40°F when it was onsite for longer than seven days
 Failing to incinerate infectious waste within 30 days after collection from the generator
 Failing to properly code containers of infectious waste
 Conducting the radioactivity screen with the sample bottle closed and conducting the ignitability screen without heating the sample to 140°F
 Failing to provide an automatic interlock to shut off the vacuum pump that decants a container to a direct burn tanker
 Failing to submit a written report to the Executive Secretary within 15 days after the explosion in the drum pump station
 Failing to prepare and submit a complete biennial report by March 1, 2006
 Failing to close the shredder area clean up door, and failing to close and seal the crane bay man door during backup operations
 Failing to sample containers under fume exhausters in Building E5
 Failing to mark all equipment with a tag containing a unique equipment identification number
 Failing to document inspections of the emergency showers and eyewashes in the drive through direct burn station and the truck unloading building
 Failing to maintain emergency equipment as necessary to assure its proper operation in time of emergency

RESOLUTION: A **STIPULATION AND CONSENT ORDER** was signed on October 5, 2007. It includes a penalty of \$147,389.00.

Clean Harbors-Owner

ACTION: **NOTICE OF VIOLATION and COMPLIANCE ORDER** issued December 8, 2005
ISSUES: Failing to record and preserve the history of a container before that container is “untracked” in the waste tracking system
 Holding rejected wastes on site for longer than 30 days, by failing to properly identify and specify the location of rejected wastes in the waste tracking system; and by failing to document when a waste was determined to be rejected
 Improperly labeling and dating containers, and having open containers
 Failing to ensure that containers are stacked neatly and in a manner that will not cause them to fall or leak
 Failing to record the location and movement history of each container placed in the container storage areas, and track these wastes in real time so that their location is known at any time
 Failing to place the required warning signs on the infectious waste storage unit
 Failing to store infectious waste at or below 40°F when it is on-site for longer than seven

days

Failing to incinerate infectious waste within 30 days after collection from the generator
Failing to properly code containers infectious waste
Failing to use the debris matrix for characterization of debris for incineration parameters
Failing to factor in specific information when characterizing certain wastes for incineration parameters; and by failing to document how the incineration parameters were determined
Failing to clearly document the waste characterization procedure from the Waste Analysis Plan which applies to each waste stream accepted at the facility
Failing to prepare laboratory quality assurance reports as required
Failing to document the laboratory TCLP room temperature
Failing to place a unique barcode label on each container
Storing wastes which have not yet been accepted at the facility in an area not designated for such storage
Failing to vent the bulk solids building, shredder, and small sludge tank to the carbon adsorption system during backup operations
Failing to maintain a database of all required equipment, failing to maintain drawings that show the approximate location of each piece of equipment, and failing to mark all equipment with a tag containing a unique equipment identification number
Failing to maintain emergency equipment as necessary to assure its proper operation in time of emergency
Failing to maintain a firebreak around the facility, and by failing to maintain the emergency evacuation exits on the south side of the facility
Failing to maintain the required signs on the perimeter fence
Filling the small sludge tank above the compliance level

RESOLUTION: A **STIPULATION AND CONSENT ORDER** was signed on October 18, 2006. It includes a penalty of \$37,293.00.

Clean Harbors-Owner

ACTION: **NOTICE OF VIOLATION and COMPLIANCE ORDER** issued February 4, 2005
ISSUES: Placing incompatible waste or other material in the same container
Failing to unload transport vehicles carrying containers within ten days of being received at the facility
Failing to attempt to reconcile a manifest discrepancy with the generator and failing to notify the Executive Secretary when the discrepancy was not resolved within 15 days
Holding rejected wastes on site for longer than 30 days, and failing to properly identify waste to be rejected in the waste tracking system
Storing hazardous wastes restricted from land disposal for more than one year
Storing compressed gas cylinders in areas not permitted for such storage
Failing to secure compressed gas cylinders to prevent falling, and failing to use appropriate measures to protect compressed gas cylinder valves from physical damage
Accumulating hazardous waste in containers for longer than 90 days, improperly labeling and dating containers, having open containers, and failing to accumulate hazardous waste in containers
Failing to ensure that containers are stacked neatly and in a manner that will not cause them to fall or leak and by exceeding the stacking height limitations

Failing to record the location and movement history of each container placed in the container storage areas, and track these wastes in real time so that their location is known at any time
Storing wastes in areas prohibited from storage in the permit
Failing to store infectious waste at or below 40°F when it is on-site for longer than seven days
Failing to ensure that infectious waste is contained in containers that are securely sealed to prevent leakage of the waste during storage and handling
Failing to use the information from the waste profile and the Infectious Waste Matrix for characterization of infectious waste for incineration parameters
Failing to clearly document the waste characterization procedure from the Waste Analysis Plan which applies to each waste stream accepted at the facility
Failing to have inventory sheets for lab packs accepted at the facility
Failing to place a unique barcode label on each container and appropriately marking containers which have been accepted
Storing wastes which have not yet been accepted at the facility in an area not designated for such storage
Failing to indicate the date waste was first placed into temporary storage and storing wastes for longer than 10 days in the temporary storage areas
Failing to clearly mark or label wastes manifested to another facility as transfer wastes
Failing to annually monitor the sections of the closed vent system operated under positive pressure
Failing to maintain a database of all required equipment, failing to maintain drawings that show the approximate location of each piece of equipment, and failing to mark all equipment with a tag containing a unique equipment identification number
Blocking a fire door so that it could not completely close automatically in a fire emergency
Failing to maintain emergency equipment as necessary to assure its proper operation in time of emergency
Failing to provide an interlock to automatically shut off the robberoller vacuum pump when the vent reaches 60% LEL
Failing to maintain and operate the robberoller vent in a manner that minimizes the possibility of a fire or explosion
Failing to minimize the possibility of fires in the drum dumping system
Filling the small sludge tank above the compliance level

RESOLUTION: A **STIPULATION AND CONSENT ORDER** was signed on September 29, 2005. It includes a penalty of \$114,912.00.

Clean Harbors-Owner

ACTION: **NOTICE OF VIOLATION and COMPLIANCE ORDER** issued March 3, 2004
ISSUES: Exceeding the mercury emission standard
Failing to attempt to reconcile a manifest discrepancy with the generator and failing to notify the Executive Secretary when the discrepancy was not resolved within 15 days
Holding rejected wastes on site for longer than 30 days
Failing to have inventory sheets for lab packs accepted at the facility
Storing flammable liquids in building E-2
Failing to transfer hazardous waste from a container that is leaking to a container that is in good condition or manage the waste in some other way to remedy the leak

Failing to include the name of the individual who packaged the containers and provided the certifications of the contents of containers of infectious waste
Placing incompatible waste in tank T-404B
Failing to record the location and movement history of each container placed in the container storage areas, and track these wastes in real time so that their location is known at any time
Incinerating a drum of arsenic trioxide
Blocking a fire door so that it could not close automatically in a fire emergency
Having open containers more than three feet from the ventilation hood

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed on April 4, 2005. It includes a penalty of \$21,536.00.

Clean Harbors-Owner

ACTION: **NOTICE OF VIOLATION** issued March 31, 2003
ISSUES: Placing reactive sulfides into tank T-308
Failing to record in the PI system when the plant was on waste
Failing to record the location and movement history of each container accepted in the container storage areas, and track these wastes in real time so that their location is known at any time; and failing to update the waste tracking system within two business days of making a transfer between tanks
Exceeding the direct burn feed rate limit
Accepting water reactive wastes

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed November 4, 2003. It includes a penalty of \$2,536.00.

Safety-Kleen-Owner

ACTION: **NOTICE OF VIOLATION** issued March 26, 2002
ISSUES: Filling the small sludge tank above the compliance level
Failing to ensure that wastes to be rejected do not remain on-site for more than 30 days
Failing to record the location of each container accepted in the container storage areas, and track these wastes in real time so that their location is known at any time
Exceeding the sludge feed rate limit

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed September 12, 2002. It includes a penalty of \$5,900.00.

Safety-Kleen-Owner

ACTION: **NOTICE OF VIOLATION** issued June 1, 2001
ISSUES: Exceeding the permitted feed rate of cadmium to the incinerator
Storing used oil fuel (VFS Distillate) from the Safety-Kleen East Chicago facility in the fuel oil tank and burning it in the incinerator when the incinerator did not meet all of the operating conditions for burning hazardous waste
Failing to record the location of each container accepted in the container storage areas, and track these wastes in real time so that their location is known at any time

Accepting pyrophoric wastes
Placing incompatible wastes or materials in the same container and failing to document any evaluation of the compatibility of the absorbent with the liquid
Failing to immediately submit to the Executive Secretary a letter describing a manifest discrepancy which was not resolved within 15 days after receiving the waste, and describing any attempts to reconcile the discrepancy
Overfilling one of the direct burn vessels
Filling the small sludge tank to overflowing
Failing to limit the heat content of containers fed to the incinerator to 4.76 MMBtu
Failing to retain the data recorded by the PI archiving system for at least three years
Failing to maintain systems to automatically cut off hazardous waste feed to the incinerator at a pH of less than 6.2 in the second stage packed tower effluent

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed May 9, 2002. It includes a penalty of \$53,326.00. Since the violations occurred both prior to and after Safety-Kleen filing for Chapter 11 bankruptcy protection, the penalty is divided into two parts. A penalty \$5,814 for the post-petition violations will be paid within 60 days of entry into the Consent Order. A penalty of \$47,512 for the pre-petition violations will be resolved through the bankruptcy court when Safety-Kleen emerges from bankruptcy.

Safety-Kleen-Owner

ACTION: **NOTICE OF VIOLATION and ORDER FOR COMPLIANCE** issued August 4, 2000
ISSUES: Using a bond to provide financial assurance for closure which exceeded the underwriting limitations of the surety issuing the bond without the necessary reinsurance agreements in place
Failing to re-establish other financial assurance for closure within the 60-day period after Frontier Insurance Company was no longer considered an acceptable surety
RESOLUTION: On August 25, 2000, Safety-Kleen entered into a Consent Agreement with EPA which allows an extended time frame for replacing the necessary financial assurance for closure. The state of Utah is a participating state in this Consent Agreement. The initial deadline for replacing financial assurance for closure was December 15, 2000, but was extended to February 28, 2001. The deadline for replacing financial assurance for closure was extended further by EPA to April 30, 2001. This deadline was extended again by EPA to September 30, 2001. Due to the events of September 11, 2001, the deadline was again extended by EPA to October 18, 2001. The deadline was again extended by EPA to November 30, 2001. Compliant financial assurance was later obtained and the issue resolved as of January 14, 2002.

Safety-Kleen-Owner

ACTION: **NOTICE OF VIOLATION** issued March 1, 1999
ISSUES: Placing waste into a tank which was not nitrogen blanketed
Exceeding the sludge feed rate limit and failing to accurately monitor and record the sludge feed rate
Failing to record the location of each container accepted in the container storage areas, and each bulk waste managed at the facility, and track these wastes in real time so that their location is known at any time

Failing to maintain systems to automatically cut off hazardous waste feed to the incinerator at the specified setpoints in the first stage packed tower liquid feed and the second stage packed tower effluent and by failing to correct any malfunctions of the automatic waste feed cut-off systems before restarting the incinerator

Making changes to the facility without following the specified procedures for modifying the permit.

Failing to have a test plan that was submitted to the Executive Secretary signed and certified as required

Failing to retain a copy of a manifest at the facility for at least three years

Failing to analyze the slag for methanol daily until analyses showed the treatment standards had been achieved for seven consecutive days after methanol was detected at a level above the treatment standards

Entering the wrong generator name, address, and phone number on manifests accompanying wastes shipped by Safety-Kleen (Aragonite), Inc. for off-site treatment, storage, or disposal

Failing to submit a certificate of hazardous waste liability insurance prior to the date of the policy expiration

Failing to maintain documentation to demonstrate that a batch of lab packs was approved

Failing to inform the generator in writing that they have the appropriate permits for, and will accept, the waste the generator is shipping when receiving hazardous waste from an off-site source

Failing to resolve discrepancies prior to accepting wastes and/or by failing to clearly document the resolution of discrepancies in the operating record

Exceeding the maximum stacking height of containers per pallet; failing to wrap or otherwise secure the containers to provide stability; and failing to place a barcode label on each container so that they could be tracked in the plant wide database

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed January 7, 2000. It includes a penalty of \$21,710.00.

[Laidlaw Environmental Services- Owner](#)

ACTION: **NOTICE OF VIOLATION** issued December 4, 1997

ISSUES:

Failing to operate the facility to minimize the possibility of a fire or unplanned discharge of hazardous waste constituents into the air which could threaten the environment or human health

Failing to adjust the closure cost estimate for inflation and submit a copy of that adjusted closure cost estimate to the Executive Secretary within the required time frames, and by failing to increase the amount of the letter of credit or obtain other financial assurance whenever the current closure cost estimate increases to an amount greater than the amount of the letter of credit

Exceeding the sludge feed rate limit

Failing to record the location of each container accepted in the container storage areas, and each bulk waste managed at the facility, and track these wastes in real time

Failing to maintain systems to automatically cut off hazardous waste feed to the incinerator at the specified setpoints (and associated delays if applicable) for afterburner chamber pressure, first stage scrubber feed pH, second stage scrubber feed pH, second stage scrubber effluent pH, afterburner oxygen concentration, spray dryer temperature, blend liquid feed rates, and aqueous feed rates

Managing containers of infectious waste that were not colored or labeled as required; storing infectious waste longer than seven days without refrigeration; and failing to treat or dispose of infectious waste within 30 days after collection from the generator

Failing to notify all persons on the facility mailing list for various modifications and a temporary authorization request within the required time frames; and by failing to notify the Executive Secretary concerning a modification within seven calendar days after the change was put into effect

Failing to document through a work order the repairs made to a malfunctioning level transmitter on a hazardous waste storage tank

Failing to monitor the fumes in the carbon canister system at the required frequency

Storing hazardous waste from a hazardous waste storage tank tanker trucks in areas not authorized in the permit

Failing to place all containers in the repack workstations into storage each day by the end of each shift

Failing to annually update a waste stream profile and failing to complete all of the required waste acceptance procedures prior to accepting wastes

Failing to verify the contents of lab packs by unpacking them and comparing the contents to the load inventory sheets

Failing to transfer the hazardous waste from a container which is not in good condition or begins to leak to a container that is in good condition, and by handling and/or storing containers of hazardous waste in a manner which may cause them to leak

Failing to label or mark each container accumulating hazardous waste with the words A Hazardous Waste, @ failing to mark each container with the date upon which each period of accumulation began; failing to maintain containers holding hazardous waste closed except when it is necessary to add or remove waste; and accumulating hazardous waste for longer than 90 days in an area without a permit

Disposing of hazardous waste without a permit

Failing to maintain a current organization chart which specifies by name which person fills each job title listed in the Personnel Training Plan

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed December 4, 1998. It includes a penalty of \$58,385.

Rollins Environmental Services, Inc.-Owner

ACTION: **NOTICE OF VIOLATION** issued December 11, 1996

ISSUES:

- Failing to operate the facility to minimize the possibility of a fire or unplanned discharge of hazardous waste constituents into the air which could threaten the environment or human health
- Failing to record the location of each container in the container storage areas and track these wastes in real time
- Failing to conduct and to document all of the required inspections; failing to inspect for all of the types of problems required; failing to provide acceptable criteria in the detailed written instructions for conducting the inspections; and failing to identify corrective actions performed when items were noted to be unacceptable
- Failing to monitor the fumes in the carbon canister system at the required frequency
- Failing to inform the generator in writing that they have the appropriate permits for, and will accept, the waste the generator is shipping when receiving hazardous waste from an off-site source

Storing hazardous waste in an unpermitted area east of the bulk solids tanks
 Failing to unload a transport vehicle within ten days following arrival at the site
 Failing to maintain a firebreak around the entire facility and to maintain an emergency evacuation route for the facility through the east gate on the south fence
 Failing to maintain the level of tank T-312 at or below the compliance limit and for filling the tank to overflowing
 Accepting a prohibited waste (dry picric acid, a D.O.T. Division 1.1 explosive) and treating it without a permit; also, accepting trinitrobenzene sulfonic acid (a D.O.T. Division 1.1 explosive)
 Storing containers that have not been bar coded/accepted in a temporary storage area for longer than ten days
 Failing to sample containers under fume exhausters in buildings E-1 and E-5
 Managing containers of infectious waste that were not colored or labeled as required
 Failing to compare the actual load samples to the profile samples prior to accepting a load of waste
 Failing to identify the associated TC waste codes for a waste stream
 Failing to collect and analyze representative samples from waste streams prior to approving the waste streams for storage and/or treatment at the facility
 Failing to label or mark each container accumulating hazardous waste with the words AHazardous Waste,@ and by accumulating hazardous waste for longer than 90 days in an area without a permit

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed October 7, 1997. It includes a penalty of \$33,811.

[Rollins Environmental Services, Inc.-Owner](#)

ACTION: **NOTICE OF VIOLATION** issued September 18, 1995
 ISSUES: Failing to maintain systems to automatically cut off hazardous waste feed to the incinerator at a pH of less than 6.2 in the first stage packed tower liquid feed and at a carbon monoxide rolling average concentration of greater than 100 ppm
 Accepting wastes that do not conform with the manifest and failing to draw a sample from as deep a cross section as possible at each location on bulk solids loads
 Failing to notify the Executive Secretary and submit, within the required time frames, a proposed time schedule for correcting a leak from the sludge tank system
 Failing to maintain a minimum of 2.5 feet of aisle space in the drum storage area
 Canceling or terminating the liability insurance without providing prior written notice to the Board within the required time frames
 Installing and using the one-inch stainless steel tubing from the aqueous waste feed line (header D) to the repack room in building E-4 without first obtaining authorization from the Executive Secretary of the Board through the permit modification process
 Failing to notify the Executive Secretary, within the required time frames, for the March 28, 1995 spill of hazardous waste from the C header to the ground near the carbon canister system, west of the tank farm
 Failing to maintain records to document that the applicable training has been given to each individual
 Failing to manage liquid removed from sump SP627 as a hazardous waste

Stacking containers with a capacity of fifty gallons or greater more than one high in the receiving and holding area of building E-5; failing to stack containers in storage neatly and/or wrap them to provide stability; and exceeding the capacity of 11,000 gallons in the receiving and holding area of building E-5

Exceeding the maximum allowable feed rates for antimony and lead

Failing to equip and maintain in good operating condition at the facility all the equipment set forth in Attachment II-5

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed June 10, 1996. It includes a penalty of \$40,320.

Rollins Environmental Services, Inc.-Owner

ACTION: **WARNING LETTER** issued April 7, 1995

ISSUES: Confined space permit not located at the entry to the work area; confined space work area not roped off; Several changes were made in the confined space permit without indication that the changes had been approved or communicated to all appropriate personnel; the job safety analysis specified continuous O₂/LEL monitoring, but was done only initially; the job safety analysis specified sliding clips to be used on the ropes to protect them from being cut, none were noted being used; both observers were noted to be performing other functions and there were times when neither of the observers was in visual contact with the entrant; the attendants' respirators were laying on the ground and hanging on the end of a pole

The combustion air pressure indicator for the kiln front wall is located upstream of the damper having apparently been moved from an earlier downstream location. This would allow the kiln secondary combustion air to be cut off by closing the damper without activating the automatic waste feed cut-off (since the pressure indicator is upstream of the damper)

The high level alarm was deactivated for Tank T-310 for an unknown period of time

A general lack of importance was noted being placed on the inspections performed on-site; lack of consistency on how inspection forms are being filled out; different opinions between inspectors on what constitutes an unsatisfactory status for the same or similar items; a tendency to not mark down deficiencies if the status has not changed over time; there is a perceived lack of knowledge on the part of the inspectors on what is the acceptable criteria for many items; there does not appear to be a consistent and timely procedure for following up on work orders and corrective action

Open containers without labels and dates were noted under hoods in the lab

Site-generated waste was transferred from a tank with a 30-day extension to the 90-day accumulation period, to a tank without the extension to the accumulation period

The maximum feed rate of solids to the kiln was exceeded

RESOLUTION: Issues satisfactorily resolved through a response from Aptus dated April 28, 1995 and subsequent permit modifications.

Westinghouse, Inc.-Owner

ACTION: **NOTICE OF VIOLATION** issued December 20, 1994

ISSUES: Perimeter fence signs missing or obscured

Labeling, dating, and segregation requirements not being met for containers in the "A" aisles of the container storage buildings
Open containers in the container storage building
Failing to recognize necessary corrective action required during inspections, and not promptly performing corrective actions
Incinerating wastes carrying a waste code not allowed by the permit
Storing containerized waste bearing free liquid outside of bermed areas as specified in a temporary authorization

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed April 21, 1995. \$12,120 penalty paid May 15, 1995.

Westinghouse, Inc.-Owner

ACTION: **WARNING LETTER** issued September 8, 1994

ISSUES: Failure to label or mark each container accumulating hazardous waste with the words "Hazardous Waste"; failure to clearly mark each container with the date upon which each period of accumulation began; accumulation of hazardous waste for longer than 90 days without first submitting, and receiving approval of the Executive Secretary for, a hazardous waste operation plan for that facility
Site-generated wastes were not being subjected to the same waste analysis procedures as wastes accepted from off-site sources
Operating record requirements for wastes pumped from sumps to storage tanks were not being met
No response time tests were conducted in 1992 and 1993 for the CO and O₂ monitors
No RATA was conducted following installation of a new oxygen monitor on August 1, 1993
The Aptus Lakeville Laboratory lost their certification for RCRA metals and during this time metals data from the Lakeville lab was used by Aptus to make waste management decisions at the Aragonite facility
On two occasions Aptus operated the low range CO monitor in the high range mode while burning waste

RESOLUTION: Issues satisfactorily resolved through responses from Aptus dated October 7, 1994 and January 31, 1995.

Westinghouse, Inc.-Owner

ACTION: **WARNING LETTER** issued May 27, 1994

ISSUES: Temperature conditions in the laboratory were not acceptable
Laboratory personnel combining parts from several different methods to develop SOPs
Fume hoods in the laboratory not adequately venting with all the instruments and reagent bottles inside; several analyses being performed on the bench-top appear to be candidates for being done under a hood/ventilation system
The Quality Assurance function in the laboratory needs to be more independent from method development; more frequent internal data validation is necessary; more management oversight and review of daily workbooks is needed
Laboratory standards not being maintained with a consistent expiration period
Not all of the required laboratory QC requirements were being followed; not routinely analyzing method blanks and duplicates; method spikes/method spike duplicates need to

be performed at the required frequency; tuning log and continuing calibration documentation must be maintained

The laboratory working standards and solutions do not have the necessary information on the label to properly identify the material

The laboratory refrigerator and freezer temperatures were not being properly maintained

The laboratory water system does not conform to Type I water specifications

The two shifts in the laboratory are not consistent in following protocol

There needs to be more interaction between the chemist and the field personnel so that the bench chemist knows the needs of field operations

Temperatures of samples at the time of analysis not being taken

Data from outside labs must be validated; these labs must use the same methods as are specified in the Waste Analysis Plan; outside labs must be Utah certified for the appropriate parameters and must submit sufficient QC information with each data package to allow for data validation

Many of the test methods in the Waste Analysis Plan are either not adequate or are not being performed as required

Excessive fugitive emissions being released to the atmosphere through an access on top of the deslagger chute

The door to bulk solids tank T404A was apparently not closed as soon as possible after unloading a truck; the door was still open while shredding operations were ongoing; questions raised about the adequacy of the ventilation system in the bulk solids building

Waste in the bulk solids tanks being piled much higher than the height of the walls of the tanks exceeding the permitted capacity

Daily sump inspection forms have been revised from those specified in the permit

RESOLUTION: Issues satisfactorily resolved through a response from Aptus dated June 27, 1994 and subsequent permit modifications.

Westinghouse, Inc.-Owner

ACTION: **NOTICE OF VIOLATION** issued March 8, 1994

ISSUES: Failure to label or mark each container accumulating hazardous waste with the words "Hazardous Waste"; failure to clearly mark each container with the date upon which each period of accumulation began; accumulation of hazardous waste for longer than 90 days without first submitting, and receiving approval of the Executive Secretary for, a hazardous waste operation plan for that facility

Exceeding the maximum allowable arsenic, cadmium, chromium, and mercury feed rates to the incinerator

Failure to maintain the automatic waste feed cut-off system to automatically cut-off the waste feed at established setpoints for combustion air pressure, waste liquid pressure, and atomizing air pressure; failure to test, on a quarterly basis, the four signals (loss of flame, low combustion air pressure, low atomizing air pressure, and low waste liquid air pressure) which cause the Burner Management System on each burner to shut down, causing a waste feed cut-off

Failure to record in the operating record the date(s) of treatment of wastes and the location of each hazardous waste within the facility

Storing and/or incinerating wastes carrying waste codes not allowed by the permit

Failure to maintain a nitrogen blanket on the sludge storage tank

Failure to monitor and record the one hour rolling average concentration of carbon monoxide (CO) in the stack on a continuous basis

Failure to limit the feed rate of containerized waste to a maximum of 20 containers per hour; failure to limit the thermal input to the incineration system to 120×10^6 Btu per hour

Failure to continuously monitor and record the feed rate of pumpable sludge; failure to monitor and record, on a periodic basis equal to the charging cycle, the feed rate of bulk solid wastes

Failure to include in the notification to the treatment or storage facility, the corresponding treatment standards or the applicable five-letter treatment code when the treatment standards are expressed as specified technologies

Failure to take manual LEL measurements at the bulk solids tanks, the sludge tank, and the "A" damper every three hours when fumes are not going to the kiln; failure to take and record manual PID (or equivalent) readings at the bulk solids tanks, the sludge tank, and the "A" damper every three hours and/or when unloading trucks, whichever is less, when the combustion air fans are off

Failure to inspect the leak detection system of the bulk solids tank; failure to follow the inspection schedule found in the permit; failure to record that sumps were not empty; failure to empty sumps containing material within 24 hours

Failure to maintain and operate monitoring equipment to measure the stack carbon monoxide level, corrected to 7% oxygen, while incinerating hazardous waste

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed June 16, 1994. \$70,000 penalty paid June 16, 1994.

Westinghouse, Inc.-Owner

ACTION: **NOTICE OF VIOLATION** issued November 9, 1992

ISSUES:

- Failure to maintain the level of the sludge storage tank at or below the compliance limit and for filling the sludge storage tank to overflowing
- Failure to perform the Tank Level Instrumentation Procedure for the sludge storage tank; failure to document in the Operating Record that these tests have been completed and the results obtained for tank T-302; failure to transfer enough of the liquid contents to another tank to lower the level to the maximum operating level following the completion of the Tank Level Instrumentation Procedure for tank T-302
- Failure to monitor the direct burn flowrate continuously during the trial burn
- Failure to label or mark each container accumulating hazardous waste with the words "Hazardous Waste"; failure to clearly mark each container with the date upon which each period of accumulation began; accumulation of hazardous waste for longer than 90 days without first submitting, and receiving approval of the Executive Secretary for, a hazardous waste operation plan for that facility
- Failure to change out the carbon canisters in the tank farm when the reading between the canisters exceeded 100 ppm; failure to use the correct form to record these carbon canisters readings
- Failure to have all reports submitted to the Executive Secretary signed as required
- Failure to conduct all of the required personnel training

RESOLUTION: Through formal correspondence from Aptus received December 23, 1992, each of issues identified in the November 9, 1992 **NOTICE OF VIOLATION** was satisfactorily resolved. No penalty was assessed in connection with this action.

Westinghouse, Inc.-Owner

ACTION: **NOTICE OF VIOLATION** issued July 22, 1992
ISSUES: No dates and/or labels on containers and open containers
Failure to test all of the required parameters in the automatic waste feed cut-off system
Failure to maintain the automatic waste feed cut-off system to automatically cut-off the hazardous waste feed to the incinerator at the specified setpoints
Exceeding the maximum specified turndown ratio
Incinerating wastes having waste codes not allowed by the Permit
Exceeding the maximum allowable arsenic feed rate to the incinerator
RESOLUTION: **STIPULATION AND CONSENT ORDER** signed February 3, 1993. \$7500.00 penalty paid February 18, 1993.

Westinghouse, Inc.-Owner

ACTION: **NOTICE OF VIOLATION** issued April 22, 1991
ISSUES: No dates and/or labels on containers and open containers
Disposing of hazardous waste without a permit
Failure to use the analytical test method specified in the permit
Failure to have a completed profile for each waste stream managed at the facility and failure to follow the specified sampling strategy
RESOLUTION: **STIPULATION AND CONSENT ORDER** signed February 14, 1992. \$17,500 penalty paid February 28, 1992.

Westinghouse, Inc.-Owner

ACTION: **WARNING LETTER** issued January 22, 1991
ISSUES: Improper certification statement on permit submissions
RESOLUTION: Not Applicable